

Town Board Minutes

**Meeting
No. 25**

Regular Meeting

September 5, 1995

MEETINGS TO DATE 25
NO. OF REGULARS 17
NO. OF SPECIALS 8

LANCASTER, NEW YORK
SEPTEMBER 5, 1995

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 5th day of ~~August~~ 1995 at 8:00 P.M. and there were
~~Sept.~~

PRESENT: ROBERT H. GIZA, COUNCIL MEMBER
DONALD E. KWAK, COUNCIL MEMBER
PATRICK C. POKORSKI, COUNCIL MEMBER
THOMAS H. VAN NORTWICK, COUNCIL MEMBER
LUCIAN J. GRECO, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
ROBERT H. LABENSKI, TOWN ENGINEER
JOSEPH F. REINA, TOWN ATTORNEY
ROBERT L. LANEY, BUILDING INSPECTOR

EXECUTIVE SESSION:

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY CARRIED, the Town Board voted at 8:25 P.M. to deliberate in Executive Session for the announced purpose of discussing a personnel matter.

At 8:55 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

RESOLVED, that the minutes from the Joint Meeting of the Town Board
and the Planning Board held on August 21, 1995, and the Regular Meeting of the
Town Board held on August 21, 1995, be and are hereby approved.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 5, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

WHEREAS, the Supervisor has requested a transfer of funds within the Department of Youth for necessary purchases and from the General Fund Contingent Account to the Youth Bureau Department to cover additional rental expenditures necessary due to the delay in completion of the new Town Youth Bureau.

NOW, THEREFORE, BE IT

RESOLVED, that the following transfer within the 1995 Adopted General Fund Budget of the Town of Lancaster be and is hereby approved:

<u>FUND APPROPRIATION</u>	<u>Increase</u>	<u>Decrease</u>
01.7311.0450 Summer Theatre Workshop, Art, Tutoring & Creative Writing	1,000.00	
01.7310.0100 Personal Services		1,000.00
01.7310.0409 Rentals	7,537.49	
01.1990.0411 Contingent Account		7,537.49

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 5, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO , WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI , TO WIT:

BOND RESOLUTION OF THE TOWN OF LANCASTER, NEW
YORK, ADOPTED SEPTEMBER 5, 1995, AUTHORIZING THE
ACQUISITION AND INSTALLATION OF COMPUTER EQUIPMENT
FOR USE BY THE TOWN, STATING THE ESTIMATED MAXIMUM
COST THEREOF IS \$25,000, APPROPRIATING SAID AMOUNT
THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$25,000
SERIAL BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF LANCASTER, IN THE COUNTY
OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not
less than two-thirds of all the members of said Town Board) AS
FOLLOWS:

Section 1. The Town of Lancaster, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
acquire and install computer equipment for use by the Town,
including hardware, software, upgrading and integration. The
estimated maximum cost of said specific object or purpose,
including preliminary costs and costs incidental thereto and to
the financing thereof is \$25,000 and said amount is hereby
appropriated therefor. The plan of financing includes the
issuance of \$25,000 serial bonds of the Town to finance said
appropriation, and the levy and collection of taxes on all the
taxable real property in the Town to pay the principal of said
bonds and the interest thereon as the same shall become due and
payable.

Section 2. Serial bonds of the Town in the principal amount of \$25,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the specific object or purpose for which said \$25,000 serial bonds are to be issued, within the limitations of Section 11.00 a. 32. of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general

obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes, and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the

sale of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in full, in the "LANCASTER BEE," a newspaper having a general circulation in the Town, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA , TO WIT:

WHEREAS, by resolution dated October 17, 1994, the Town Board of the Town of Lancaster approved the subdivision known as Regents Park Subdivision, and directed the Town Clerk to properly endorse the approval of the Town Board on the linen copy thereof, and

WHEREAS, the developer has submitted an amended map cover which became necessary due to the inclusion of an on-site storm water detention pond, and

WHEREAS, the Town Engineer has recommended to the Town Board that the amended map cover be accepted;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. The amended map cover dated March 16, 1995 for Regents Park Subdivision, is hereby approved.

2. The Town Clerk is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy thereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 5, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER GIZA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

WHEREAS, the Cable TV Franchise in the Town of Lancaster expires in
August, 1996, and

WHEREAS, the Chairman of the Cable Committee of the Town Board has
recommended that a public hearing be held on October 2, 1995 for the purpose
of taking public comments and/or questions on the proposed renewal of the
Jones Intercable Franchise Agreement with the Town of Lancaster, and

WHEREAS, the Town Board deems it in the public interest to hold such
a public hearing;

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing will be held on October 2, 1995, at
8:10 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster,
New York, for the purpose of taking public comments and/or questions with
respect to a renewal of Jones Intercable's Franchise Agreement with the Town
of Lancaster; and that a notice of said hearing be published in the Lancaster
Bee and posted on the Town Bulletin Board, which Notice shall be in the form
attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 5, 1995

File: RCABLETV.995

LEGAL NOTICE
NOTICE OF HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that a public hearing will be held at 8:10 o'clock P.M., on October 2, 1995, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purpose of taking public comments and/or questions with respect to renewal of the Jones Intercable Franchise Agreement with the Town of Lancaster, which Agreement expires in August, 1996.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

September 5, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
COUNCIL MEMBER KWAK, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER POKORSKI, TO WIT:

WHEREAS, the Charter Motor Inn of Buffalo, Inc., d/b/a Ramada Inn has applied for a license to operate and maintain a Game Room on premises located at 6643 Transit Road, within the Town of Lancaster, pursuant to Chapter 17 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and the Chief of Police for review and recommendation, and

WHEREAS, the Building Inspector and Chief of Police have completed their review and made a formal, favorable recommendation to the Town Board on the issuance of this license,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to issue a license to Charter Motor Inn of Buffalo, Inc., d/b/a Ramada Inn to operate and maintain a Game Room on premises located at 6643 Transit Road, Lancaster, New York, and

BE IT FURTHER

RESOLVED, that said license shall be issued for the one (1) year period of September 6, 1995 to September 6, 1996 in accordance with the application of the petitioner, as filed in the Town Clerk's Office, for five (5) amusement devices.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 5, 1995

File: RLICENSE (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

WHEREAS, Benderson Development Company Inc., 570 Delaware Avenue, Buffalo, New York 14202 has applied for a Dumping Permit for property situated at 6705-6709 Transit Road, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that Benderson Development Company Inc., 570 Delaware Avenue, Buffalo, New York be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant at 6705-6709 Transit Road, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein expires one year from date of this resolution.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 5, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK, TO WIT:

WHEREAS, the Supervisor has requested a transfer of funds from the 1995 General Fund Budget Contingent Account in order to provide financial assistance to the Lancaster Depew Boys and Girls Club.

NOW, THEREFORE, BE IT

RESOLVED, that the following transfer within the 1995 Adopted General Fund Budget of the Town of Lancaster be and is hereby approved:

FUND APPROPRIATION:

	<u>Increase</u>	<u>Decrease</u>
01.7320.0411 Contractual Services	7,500.00	
01.1990.0411 Contingent Account		7,500.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	ABSTAINED N.B.-1-
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

N.B.-1- Council Member Giza abstained from a vote on this resolution due to his position in private employment as the Executive Director of the Lancaster-Depew Boys' and Girls' Club Inc.
August 21, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER VAN NORTWICK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK , TO WIT:

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WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated August 21, 1995, has requested the addition and deletion of members to the active roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition and deletions to the membership of the Twin District Volunteer Fire Company, Inc. of the following individuals:

ADDITION

James J. Koral
9 Winding Way
Lancaster, New York 14086

DELETIONS

Jeffery Baldwin
4845 Transit Rd. - Apt A-7
Depew, New York 14043

Kevin Patterson
44 Country Place
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 5, 1995

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 3937 to Claim No. 4125 Inclusive

Total amount hereby authorized to be paid: \$ 900,986.49

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 5, 1995

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

WHEREAS, GlenHollow Associates, 5653 Broadway, Lancaster, New York 14086, has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within GlenHollow Subdivision, Phase II(B),

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Applications Nos. 418, 419, and 420 of GlenHollow Associates, 5653 Broadway, Lancaster, New York 14086 for the installation of:

P.I.P. No. 418 (Water Line)	Installation of ± 1175 lf of 8" C-900 water main and all necessary appurtenances at the GlenHollow Phase IIB Subdivision (sublots 123-146)
P.I.P. No. 419 (Pavement & Curbs)	Installation of ±2140 lf of 20" upright curb with underdrain and ±31,500 sf of pavement consisting of 8" of stone; 4" of base; 2" of binder and 1" top at the GlenHollow Phase IIB Subdivision (sublots 123-146)
P.I.P. No. 420 (Storm Sewer)	Installation of ±1420 lf of storm sewer pipe of various sizes, misc. structures and yard drains at the GlenHollow Phase IIB Subdivision (sublots 123-146)

be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 5, 1995

File: RPIP (P8)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously advertised for bids for the construction of a Youth Bureau Facility located in the Town of Lancaster, and

WHEREAS, bids were received and opened on June 14, 1995, 1995, and

WHEREAS, WENDEL has reviewed the bids for General Construction; Alternate G-1; Heating, Ventilation & Air Conditioning; Plumbing and Electrical, and by letter dated June 16, 1995, has recommended that the lowest responsible bidders, for said Contracts, in conformance with the specifications, are as follows:

-- <u>General Construction:</u>	<u>Amount</u>
Patrick Development of WNY, Inc. 5820 Main Street Williamsville, New York 14221	\$ 629,200.00
-- <u>Alternate G-1</u>	
Patrick Development of WNY, Inc. 5820 Main Street Williamsville, New York 14221	\$ 4,800.00
-- <u>Electrical</u>	
Grand Island Electric 825 N. Colony Road Grand Island, New York 14072	\$ 94,300.00
-- <u>Heating, Ventilation & Air Conditioning</u>	
BH Refrigeration, Inc. 818 Elmwood Avenue Buffalo, New York 14222	\$ 82,728.00
-- <u>Plumbing</u>	
R.G. Rechin, Inc. 1441 S.Creek Road Derby, New York 14047	\$ 56,300.00

NOW, THEREFORE, BE IT

RESOLVED as follows:

1. That the Town Board of the Town of Lancaster hereby awards the beforementioned contracts for the construction of the Lancaster

Youth Bureau Facility to the following bidders, being the lowest responsible bidders in conformance with the bid specifications on file in the office of the Town Clerk:

--	<u>General Construction:</u>	<u>Amount</u>
	Patrick Development of WNY, Inc. 5820 Main Street Williamsville, New York 14221	\$ 629,200.00
--	<u>Alternate G-1</u>	
	Patrick Development of WNY, Inc. 5820 Main Street Williamsville, New York 14221	\$ 4,800.00
--	<u>Electrical</u>	
	Grand Island Electric 825 N. Colony Road Grand Island, New York 14072	\$ 94,300.00
--	<u>Heating, Ventilation & Air Conditioning</u>	
	BH Refrigeration, Inc. 818 Elmwood Avenue Buffalo, New York 14222	\$ 82,728.00
--	<u>Plumbing</u>	
	R.G.Rechin, Inc. 1441 S. Creek Road Derby, New York 14047	\$ 56,300.00

2. Payment shall be made from the proceeds of a bond sale for this purpose.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 5, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER VAN NORTWICK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, the Chiefs of Police of the Town of Lancaster, Village of Lancaster, and Village of Depew have jointly recommended to their various municipal boards that a set date and time be set aside for the observance of Halloween within the Town of Lancaster, including the Villages therein,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster, hereby declares Tuesday, October 31, 1995, between the hours of 6:00 P.M. and 8:30 P.M., as the official period during which Halloween trick or treat activities may be observed within the Town of Lancaster, outside the Villages.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 5, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO , WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA ,TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has reviewed a Project Proposal submitted by TOPS MARKETS, INC., in which TOPS MARKETS requests permission to construct a Food Distribution Center on the south side of Genesee Street at Gunville Road, in the Town of Lancaster, and

WHEREAS, this project is classified as a Type I Action by the provisions of the State Environmental Quality Review Act; and

WHEREAS, the Town Board has reviewed the Draft Environmental Impact Statement ("DEIS") and any and all supplements related thereto, and has received comments from involved agencies which have been subsequently incorporated into the DEIS, and

WHEREAS, a joint SEQR and Rezone public hearing was held on the proposed Project on July 11, 1995, and continued on July 17, 1995, and comments therefrom have been incorporated into and responded to in a Final Environmental Impact Statement ("FEIS"), filed in the office of the Town Clerk, along with supporting Volumes 1 through 4, and

WHEREAS, the Town Board and its consultants have reviewed the FEIS for completeness, pursuant to SEQR;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town of Lancaster, as SEQRA Lead Agency, hereby determines that the FINAL ENVIRONMENTAL IMPACT STATEMENT ("FEIS") and supporting Volumes 1 through 4, for the Tops Food Distribution Center on the south side of Genesee Street at Gunville Road, in the Town of Lancaster, as filed with the Town Clerk, be and is hereby accepted as complete; and

2. That a Notice of Completion of the FEIS shall be prepared by the Town Attorney in accordance with Section 617.10 (f) of the State Environmental Quality Review Act.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 5, 1995

File: RFEISTPS.995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER VAN NORTWICK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

WHEREAS, the Town Board has received several complaints about the traffic conditions at the intersection of Harris Hill Road and Genesee Street in the Town of Lancaster, and

WHEREAS, the Chairman of the Public Safety Committee has recommended that a "Left Turn" arrow be installed at said intersection for northbound traffic on Harris Hill Road turning west onto Genesee Street, and a "Left Turn" arrow be installed for southbound traffic on Harris Hill Road turning east onto Genesee Street, and

WHEREAS, the Town Board has reviewed this recommendation and deems it in the public's interest and safety to request such devices, and

WHEREAS, since Harris Hill Road is a County Road and Genesee Street is a State Route, it will be necessary for Town of Lancaster to request the Erie County Department of Public Works and the New York State Department of Transportation to conduct a joint study of this intersection and the Town's request for installation of "Left Turn" arrows;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby directs the Town Attorney to submit a written request for a joint study of the intersection of Harris Hill Road and Genesee Street for the purpose of installing a "Left Turn" arrow for northbound traffic on Harris Hill Road turning west onto Genesee Street, and a "Left Turn" arrow for southbound traffic on Harris Hill Road turning east onto Genesee Street, to the Erie County Department of Public Works and New York State Department of Transportation.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 5, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER VAN NORTWICK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI , TO WIT:

WHEREAS, Ransom Road, a County road, between the intersections of
Genesee Street and Walden Avenue, allows for a maximum speed of 55 miles per
hour by virtue of New York State Law, and

WHEREAS, Ransom Road, from Genesee Street north to the Town of
Clarence border allows for a maximum speed of 35 miles per hour, and

WHEREAS, the Ransom Road from Walden Avenue south allows for a
maximum speed of 45 miles per hour, and

WHEREAS, the Town Board deems it is in the public's interest to
conduct a traffic study to determine if the speed limit on Ransom Road,
between the intersections of Genesee Street and Walden Avenue, should be
reduced;

NOW, THEREFORE, BE IT

RESOLVED, that the Chief of Police be and is hereby directed to
conduct a traffic study on Ransom Road between the intersection of Genesee
Street and Walden Avenue to determine if the speed limit should be reduced on
said portion of Ransom Road.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 5, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER KWAK, WHO MOVED
 ITS ADOPTION, SECONDED BY COUNCIL
 MEMBER POKORSKI TO WIT:

RESOLVED, that the following Building Permit Applications be
 and are hereby approved and the issuance of these Building Permits be and are
 hereby authorized:

CODE:

(SW) = Sidewalks as required by Chapter 12-1B of the Code of the
 Town of Lancaster are waived for this permit.

No	Code	Applicant	Street Address	Structure
2893		Andre Filippi	137 Broezel Ave	Er. Garage
2894		Mark Davern	4580 Walden Ave	Alter Sin. Dwlg
2895		Nawrocki Homes	9 Michael's Wlk	Er. Sin. Dwlg
2896		Geraldine Nickden	63 Stutzman Rd	Er. Fence
2898		EduKids	1767 Como Park Blvd	Er. Sign
2899		Seegal Landscaping	245 Erie St	Dem. Sin. Dwlg
2900		Phlinger Tool & Die	1254 Townline Rd	Ex. Garage
2901		Stratford Homes	12 Trentwood Tr	Er. Sin. Dwlg
2902		Majestic Pools	437 Pleasant View Dr	Er. Pool/Fence
2903		R. Gorny	8 Oakwood Comm	Er. Unheated Sunroom
2904		Tom/Deborah Owczarczak	849 Erie St	Er. Shed
2905	SW	Rubino Bros Builders, Inc	5592 William St	Er. Sin. Dwlg
2906		M J Ogiony Bldrs	25 Michael's Wlk	Er. Sin. Dwlg
2907		Robert Kleinfelder	24 Plumb Creek Tr	Er. Shed
2908		Andrew Herbert	17 Rollingwood Dr	Er. shed
2909		Dino Garrett	33 Hampton Ct	Er. Shed
2910		M J Ogiony BldrsInc	45 Michael's Wlk	Er. Sin. Dwlg
2911		David Matuszewski	25 Riemers Ave	Er. Shed
2912		Decks Unlimited Const Inc	15 Sagebrush Ln	Er. Deck
2913		Decks Unlimited Const Inc	23 Chestnut Corner	Er. Deck
2914		Mr/Mrs Cusmano	26 Heritage Dr	Er. Deck
2915		Lovejoy Bldrs	45 Sagebrush Ln	Er. Sin. Dwlg
2916		George Roehling	5204 William St	Install Fireplace
2917		Swimco Pools	88 Pheasant Run N	Er. Pool
2918	SW	Lakeshore Homes Inc	236 Pavement Rd	Er. Sin. Dwlg
2919		Cameo Homes	47 Quail Run Ln	Er. Sin. Dwlg
2920		Donato Developers Inc	1716 Como Park Blvd	Er. Dbl.Dwlg

2921 Swimco Pools 90 Pheasant Run N Er.Pool Page 713
2922 Mike Tramontana 88 Pheasant Run N Er. Fence
2923 M J Ogiony 4 Trentwood Tr Er. Sin. Dwlg
and,

BE IT FURTHER

RESOLVED, that the Building Permit applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the provisions of Chapter 12-1B of the Code of the Town of Lancaster which requires sidewalks in front of every new home.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 5, 1995

COMMUNICATIONSDISPOSITION

569. K.R. Beicke to Town Clerk - Support for Tops rezone petition.	PLANNING COMMITTEE
570. Scott/Michelle Murray to Town Board - Support for Tops rezone petition.	PLANNING COMMITTEE
571. Mrs. Mary Kless to Town Board - Opposition to Tops rezone petition.	PLANNING COMMITTEE
572. Dorothy Joseph to Town Board - Transmittal of newspaper articles and update from CARE re: Tops rezone petition.	PLANNING COMMITTEE
573. John L. Monnin to Town Clerk - Support for Tops rezone petition.	PLANNING COMMITTEE
574. Mr. & Mrs. Mark Ricci to Town Board - Opposition to Tops rezone petition location.	PLANNING COMMITTEE
575. NYSDOT to Supervisor - Notice of Public Hearing Sept. 19, 1995 at Depew High School re. reconstruction of Transit Road.	R & F
576. Richard E. Young to Supervisor - Re. Tops warehouse and the need for exit on Thruway at Gunnville Rd.	PLANNING COMMITTEE
577. Sharon L. Bouby to Town Board - Support for Tops rezone petition.	PLANNING COMMITTEE
578. Daniel P. Pilarz to Town Board - Support for Tops rezone petition.	PLANNING COMMITTEE
579. Depew Mayor Robert M. Kucewicz to Supervisor - Solicitation for Lead Agency Status (SEQR) Conway Street - possible alteration.	R & F
580. Alfreda Dawidzak to Town Board - Support for Tops rezone petition.	PLANNING COMMITTEE
581. James Grant and Rosemary Harm to Town Board - Support for Tops rezone petition.	PLANNING COMMITTEE
582. Walter Zakowski to Town Clerk - Opposition to Tops rezone petition.	PLANNING COMMITTEE
583. Chester /Lottie Wantuck to Town Board - Opposition to Tops rezone petition.	PLANNING COMMITTEE
584. Town Attorney to V.P., Tops - Notice of extension of filing of FEIS for 30 days from 8/31/95.	R & F
585. Mary Ann/Michael Tober to Town Attorney - Concerns re: proposal to purchase property behind 82 Old Post Rd.	R & F
586. Linda/Kristen Burgess to Town Clerk - Comments with request for answers re: Tops FEIS.	PLANNING COMMITTEE
587. Town's Ambulance Service, Inc. to Supervisor - Followup to announcement re: merger with Rural/ Metro Corp.	PUBLIC SAFETY COMMITTEE
588. Various Residents to Town Board - Opposition to Tops rezone petition.	PLANNING COMMITTEE
589. Richard P. Harvey Jr. to Supervisor - Support for Tops rezone petition.	PLANNING COMMITTEE
590. Lancaster Vol. Fire Dept. to Supervisor - Request Town's Disaster Response Team be granted permission to install and use red lights and siren on towing vehicle for Town Command Post.	PUBLIC SAFETY COMMITTEE

COMMUNICATIONSDISPOSITION

591. Lancaster Vol. Fire Dept. to Supervisor - Expression of appreciation to Supervisor and Town Disaster Response Team for assistance rendered on 8/24/95 at Manitoba fire.	R & F
592. Lancaster Vol. Fire Dept. to Police Chief - Commendation of Police Clerk Sharon Cohan for job performance during Manitoba fire on 8/24/95.	PERSONNEL FILE
593. Amy V. Stromberg, Attorney to Assessor - Notification of conveyance of property situate at 15 Rose Hill Cir.	R & F
594. Lancaster Vol. Fire Dept. to Supervisor - Expression of appreciation to Supervisor and Town Fire Inspector, Larry Blair, for assistance rendered on 8/24/95 at Manitoba fire.	PERSONNEL FILE
595. Thomas Fitzgerald, VP Corp. Devel., Tops Markets, Inc. to Town Attorney - Concurrence to 30 day extension with anticipated acceptance of FEIS on 9/5/95.	R & F
596. Eric/Dorothy Joseph to Clough, Harbour Associates - Comments re: FEIS for Tops proposed warehouse facility.	PLANNING COMMITTEE
597. Town resident to Town Clerk - Opposition to Tops rezone petition.	PLANNING COMMITTEE
598. Town Clerk to Zoning Board, Building Inspector, and Town Attorney - Notification of Public Hearing 9/14/95 re. variance petitions.	R & F
599. Patricia H. Wonderly to Supervisor - Support for Tops rezone petition.	PLANNING COMMITTEE
600. Building Inspector and Town Engineer to Town Board - Recommend approval of dumping permit to Benderson Development Co., Inc.	R & F
601. Building Inspector and Town Engineer to Town Board - Recommend approval of removal of 3800 cubic yards of topsoil from Quail run Subdivision.	PLANNING COMMITTEE
602. Twin Dist. V.F.C. to Town Clerk - Notification of new members added to roster.	R & F
603. Police Chief to Chair., Public Safety Committee - Designation of 10/31/95 as "Trick or Treat" night.	R & F
604. David J. Seeger, Attorney Representing CARE, to Clough Harbour & Associates - Comments re: Tops Markets, Inc. FEIS.	PLANNING COMMITTEE
605. Nussbaumer & Clarke to Building Inspector - Transmittal of edited FEIS and Volume 1.	PLANNING COMMITTEE
606. Clough, Harbour & Associates to Supervisor - Recommendation that Town Board accept the FEIS for proposed Tops Distribution Facility.	R & F

PERSONS ADDRESSING TOWN BOARD:

Kubicki, Gloria , 15 Maple Drive, spoke to the Town Board on the following matter:

Requested left turn signal arrows at intersection of Harris Hill Road and Wehrle Road.

Moessinger, David, 1312 Ransom Road, spoke to the Town Board on the following matter:

Expressed opposition to the proposed Tops Distribution Center.

Adolf, Norbert, 113 Erie Street, spoke to the Town Board on the following matter:

Presented to the Town Board a petition containing 1800 signatures supporting the proposed Tops Distribution Center.

Beilman, Jack, spoke to the Town Board on the following matter:

Expressed opposition to the proposed Tops Distribution Center.

Joseph, Eric, 5962 Genesee Street, spoke to the Town Board on the following matter:

Thanked the Town Board for their efforts in regards to the proposed Tops Distribution Center Project.

Palmeri, Kandy, 5815 Genesee Street, spoke to the Town Board on the following matter:

Requested a copy of the resolution accepting the FEIS for the proposed Tops Market Distribution Center Project.

Moessinger, Debbie, 1312 Ransom Road, spoke to the Town Board on the following matter:

Expressed opposition to the proposed Tops Market Distribution Center.

Joseph, Dorothy, 5962 Genesee Street, spoke to the Town Board on the following matter:

Spoke to the Town Board about the assessed value for the proposed Tops Market Distribution Center.

Farrell, Joyce, 467 Pleasant View Drive, spoke to the Town Board on the following matter:

Expressed opposition to the proposed Tops Distribution Center.

ADJOURNMENT:

ON MOTION OF COUNCILMAN KWAK, AND SECONDED BY THE ENTIRE TOWN BOARD
AND CARRIED, the meeting was adjourned at 9:25 P.M.

Signed

Robert P. Thill

Robert P. Thill, Town Clerk